Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
1998 Biennial Regulatory Review --	)	CC Docket No. 98-163
Modifications to Signal Power Limitations	)	
Contained in Part 68 of the	)	
Commission's Rules	)	

REPLY COMMENTS
OF THE
UNITED STATES TELEPHONE ASSOCIATION

The United States Telephone Association (USTA) respectfully submits its reply to comments filed in the above-referenced proceeding.

In its comments, USTA argued that until sufficient testing demonstrating lack of interference to other services and other V.90 services under practical circumstances can be completed, the -12 dBm power limit currently specified in Section 68.308 of the Commission's rules should remain in effect. The comments of other parties support USTA's position.[1] These parties share USTA's concern regarding the possibility of network harm to other services under the conditions in which the modems are anticipated to be deployed. USTA and other parties anticipate that a technical report will be available soon that is supported by a broad segment of the industry to facilitate an orderly evaluation.[2]

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[1]SBC at 8, BellSouth at 3, Bell Atlantic at 5, GTE at 6, US WEST at 6, Ameritech at 3.

[2]ATIS at 6.

While three parties stated that the power increase could be permitted, only two of those believe that the increase could be permitted without harm to other services. None, however, provide any evidence to support those assertions. Indeed, TIA reveals that some of its members dissented from its position that the power increase be permitted.[3]

TIA suggests that a definition of PCM modems is required.[4] In its proposed definition, TIA includes a statement concerning the nature of the serving facility ("...and involve at most a single digital-to-analog conversion at the network office serving the receiving customer's loop."). USTA opposes such a definition as inappropriate and irrelevant to the issue under consideration in the proceeding. TIA's definition should not be adopted. If the Commission finds it necessary to develop a definition for a PCM modem, that should be done so in a separate proceeding so that all parties have the opportunity to make recommendations and offer comment.

3Com does not state that the power increase can be permitted without harm to other equipment (including other of 3Com's own equipment in the same cable). In 3Com's technical appendix, the data shows that only in circumstances where loops are 3,000 feet or less than can 56K be achieved even with a -6 dBm transmit level. Even at 6,000 feet of cable, 54.67K is the highest speed that can be obtained with a -6 dBm level. 3Com's data supports the Commission staff assessment.[5] As evidenced in the technical information provided, the conditions required to permit these modems to reach 56K are unlikely to be met in all but a very few instances of

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[3]TIA at 4.

[4]*Id.* at 2.

[5]Bell Atlantic at 4.

practical application, at the risk of possible network harm.

The test data provided by 3Com is obtained from simulated lines, not actual cables. Notwithstanding the fact that these simulations can very closely match the characteristics of cables in the areas of loss and impedance, these tests do not address the fact that in real world scenarios, drop wires, protectors and other entry facilities and inside wire of often dubious performance are involved. The 3Com data presented, as well as its comments, do not address the possibility of crosstalk and harm, and provide no evidence that increasing the power level to -6 dBm will provide an increase of speed that will be detectable by any consumer.

Northern Telecom acknowledges Committee TIAI.7 test plan to verify the ability of the loop plant to tolerate such an increase in power.[6] USTA agrees and asserts that the confirmation must be made by actual test data. In their conclusion, however, Northern Telecom supports the increase in power absent test data.

Northern Telecom also states that LADC circuits are "completely analogous to the maximum decoded analog levels that are produced by PCM modems."[7] USTA disagrees. LADCs do not have the same spectral characteristics as do PCM modems and contain energy not completely confined to the voice band. Northern Telecom also notes that these facilities do not connect to the public switched telephone network. Northern Telecom concludes that the fact that LADCs have operated at higher power levels than PCM modems "reinforces Nortel Network's view" that harm will not be caused to the network. Actual test data that provides evidence of

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[6]Northern Telecom at 5.

[7]*Id.*

performance on circuits which are likely to be encountered in actual service conditions is required. The technical report now under consideration in the T1 process will provide the framework under which to conduct such tests.

USTA is not opposed to modification of technical operating parameters if it can be verified that no harm will occur to other services and the result will be improved service levels for customers. The comments in the proceeding evidence considerable concern that in the absence of test data, there can be no conclusion that other services will not be harmed. Parties in favor of the increase have not provided any information to support the assertion that customers will experience any detectable increase in performance.

The record before the Commission supports USTA's position that actual tests be conducted to verify that the increase sought will not create harms to the network and provides increased service levels to customers before any increase in the transmit power level is permitted.

Respectfully submitted,

UNITED STATES TELEPHONE ASSOCIATION

By: Linda L. Kent

Its Attorneys:

Lawrence E. Sarjeant
Linda L. Kent
Keith Townsend
John W. Hunter

Paul Hart, Vice President
Technical Disciplines

1401 H Street, N.W. Suite 600
Washington, D.C. 20005
(202) 326-7248

November 13, 1998

CERTIFICATE OF SERVICE

I, Donna Young, do certify that on November 13, 1998, copies of the accompanying Reply Comments of the United States Telephone Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the persons on the attached service list.

Donna Young

Donna Young

Dan Bart
Roberta E. Breden
Pierre Adornato
TIA
2500 Wilson Blvd
Arlington, VA 22201

John Raposa
GTE Service Corp.
600 Hidden Ridge, HQE03J27
PO Box 152092
Irving, TX 75015-2092

Michael S. Pabian
Ameritech
Room 4H82
2000 West Ameritech Center Dr
Hoffman Estates, IL 60196-1025

Robert M. Lynch
Southwestern Bell Telephone Co
175 E. Houston
Room 1250
San Antonio, TX 78205

Stephen L. Goodman
Halprin, Temple, Goodman & Sugrue
1100 New Tork Ave, NW
Suite 650 East Tower
Washington, DC 20005

Robert B. McKenna
U S WEST Communications
Suite 700
1020 19th Street, NW
Washington, DC 20036

Frank R. Jazzo
Mitchell Lazarus
Fletcher Heald & Hildreth PLC
1300 North 17th Street
11th Floor
Arlington, VA 22209

N. Rovert Sutherland
A. Kirven Gilbert III
BellSouth Corporation
1155 Peachtree St, NE
Suite 1700
Atlanta, GA 30309

Andre J. Lachance
GTE Service Corp
1850 M Street, NW
Suite 1200
Washington, DC 20036

Susan M. Miller
Alliance for Telecommunications Industry Solutions
1200 G Street, NW
Suite 500
Washington, DC 20005

Durward D. Dupre
Jeffrey B. Thomas
208 South Akard
Room 3043
Dallas, TX 75202

John G. Lamb, Jr
Northern Telecom Inc
2100 Lakeside Blvd
Richardson, TX 75081-1599

Lawrence W. Katz
Bell Atlantic
1320 North Courthouse Road
8th Floor
Arlington, VA 22201